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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-93**

13 **SHANA LYNN MEZZANATTO;**  
14 **AKA SHANA LYNN LAURIE**  
15 **857 Passiflora Ave.**  
**Encinitas, CA 92024**

**A C C U S A T I O N**

16 **Registered Nurse License No. 646683**  
**Public Health Nurse Certificate No. 68451**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, State of California.

23 2. On or about October 20, 2004, the Board of Registered Nursing issued Registered  
24 Nurse License Number 646683 to Shana Lynn Mezzanatto, also known as Shana Lynn Laurie  
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to  
26 the charges brought herein and will expire on May 31, 2014, unless renewed.

27 3. On or about December 28, 2004, the Board of Registered Nursing issued Public  
28 Health Nurse Certificate Number 68451 to Shana Lynn Mezzanatto, also known as Shana Lynn

1 Laurie (Respondent). The Public Health Nurse Certificate was in full force and effect at all  
2 times relevant to the charges brought herein and will expire on May 31, 2014, unless renewed.

### 3 JURISDICTION

4 4. This Accusation is brought before the Board of Registered Nursing (Board),  
5 Department of Consumer Affairs, under the authority of the following laws. All section  
6 references are to the Business and Professions Code unless otherwise indicated.

7 5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent  
8 part, that the Board may discipline any licensee, including a licensee holding a temporary or an  
9 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
10 Nursing Practice Act.

11 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a  
12 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
13 against the licensee or to render a decision imposing discipline on the license. Under section  
14 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

### 15 STATUTORY PROVISIONS

16 7. Section 482 of the Code states:

17 Each board under the provisions of this code shall develop criteria to  
18 evaluate the rehabilitation of a person when:

- 19 (a) Considering the denial of a license by the board under Section 480;  
20 or  
21 (b) Considering suspension or revocation of a license under Section  
22 490.

Each board shall take into account all competent evidence of rehabilitation  
furnished by the applicant or licensee.

23 8. Section 490 of the Code provides, that a board may suspend or revoke a license on  
24 the ground that the licensee has been convicted of a crime substantially related to the  
25 qualifications, functions, or duties of the business or profession for which the license was issued.

26 9. Section 493 of the Code states:

27 Notwithstanding any other provision of law, in a proceeding conducted by  
28 a board within the department pursuant to law to deny an application for a license  
or to suspend or revoke a license or otherwise take disciplinary action against a

1 person who holds a license, upon the ground that the applicant or the licensee has  
2 been convicted of a crime substantially related to the qualifications, functions, and  
3 duties of the licensee in question, the record of conviction of the crime shall be  
4 conclusive evidence of the fact that the conviction occurred, but only of that fact,  
5 and the board may inquire into the circumstances surrounding the commission of  
6 the crime in order to fix the degree of discipline or to determine if the conviction  
7 is substantially related to the qualifications, functions, and duties of the licensee in  
8 question.

9 As used in this section, "license" includes "certificate," "permit,"  
10 "authority," and "registration."

11 10. Section 2761 of the Code states:

12 The board may take disciplinary action against a certified or licensed  
13 nurse or deny an application for a certificate or license for any of the following:

14 (a) Unprofessional conduct, which includes, but is not limited to, the  
15 following:

16 . . . .

17 (f) Conviction of a felony or of any offense substantially related to the  
18 qualifications, functions, and duties of a registered nurse, in which event the  
19 record of the conviction shall be conclusive evidence thereof.

20 . . . .

21 11. Section 2762 of the Code states:

22 In addition to other acts constituting unprofessional conduct within the  
23 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct  
24 for a person licensed under this chapter to do any of the following:

25 . . . .

26 (b) Use any controlled substance as defined in Division 10 (commencing  
27 with Section 11000) of the Health and Safety Code, or any dangerous drug or  
28 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or  
in a manner dangerous or injurious to himself or herself, any other person, or the  
public or to the extent that such use impairs his or her ability to conduct with safety  
to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription,  
consumption, or self-administration of any of the substances described in  
subdivisions (a) and (b) of this section, or the possession of, or falsification of a  
record pertaining to, the substances described in subdivision (a) of this section, in  
which event the record of the conviction is conclusive evidence thereof.

. . . .

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12. Section 2765 of the Code states:

A plea or verdict of guilty or a conviction following a plea of *nolo contendere* made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

### REGULATORY PROVISIONS

13. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

- (a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.
- (b) Failure to comply with any mandatory reporting requirements.
- (c) Theft, dishonesty, fraud, or deceit.
- (d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

14. California Code of Regulations, title 16, section 1445 states:

....

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

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1 (5) If applicable, evidence of expungement proceedings pursuant  
2 to Section 1203.4 of the Penal Code.

3 (6) Evidence, if any, of rehabilitation submitted by the licensee.

4 **COST RECOVERY**

5 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
6 the administrative law judge to direct a licentiate found to have committed a violation or  
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
8 and enforcement of the case.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(September 9, 2011 Criminal Conviction for DUI on July 20, 2011)**

11 16. Respondent has subjected her registered nurse license to disciplinary action under  
12 Code sections 490 and 2761, subdivision (f), in that she was convicted of a crime that is  
13 substantially related to the qualifications, functions, and duties of a registered nurse. The  
14 circumstances are as follows:

15 a. On or about September 9, 2011, in a criminal proceeding entitled *The*  
16 *People of the State of California v. Shana Lynn Mezzanatto*, in San Diego County Superior Court  
17 North County Division, case number CN294294, Respondent was convicted on her plea of guilty  
18 to violating Vehicle Code (VC) section 23152, subdivision (a), driving under the influence (DUI)  
19 of alcohol, a misdemeanor. Respondent admitted and the court found true the allegation that  
20 Respondent's Blood Alcohol Concentration (BAC) was .15 percent or more, a sentencing  
21 enhancement pursuant to VC section 23578. Respondent also admitted and the court found true  
22 the allegation that Respondent's children who were with her in the vehicle at the time of the  
23 incident were both under 14 years of age, a sentencing enhancement pursuant to VC section  
24 23572, subdivision (a). A charge for violating VC section 23152, subdivision (b), driving with a  
25 BAC of 0.08 percent or more, a misdemeanor, and two counts of Penal Code (PC) section 273a,  
26 subdivision (a), willful cruelty to a child by exposure to possible injury or death, a felony, were  
27 dismissed pursuant to a plea bargain.

b. As a result of the conviction, on or about September 9, 2011, Respondent was sentenced to five years summary probation and ordered committed to the custody of the Sheriff for 90 days, with credit for three days served, which was stayed. Respondent was also ordered to render 15 days work under the public service program, with credit for three days in custody; enroll in and complete Mothers Against Drunk Driving (MADD) Victim's Impact Panel, a Psychiatric Treatment Program, and a county-approved First Offender Alcohol Program; and pay fines and fees.

c. The facts that led to the conviction are that on or about July 20, 2011, Respondent was swerving in and out of her lane along El Camino Real in Oceanside, California when the car she was driving almost collided with that of an Oceanside Police Department (OPD) Detective. The Detective followed Respondent's vehicle and observed her over-correct from nearly hitting another vehicle, which caused her to hit the center median and popped both of her left tires. Respondent proceeded to a gas station where the Detective contacted her for initial investigation. Respondent identified herself through her driver's license and stated that the two minors seated at the extra cab section of her pick-up truck were her children, ages two and four years. A responding OPD Officer who took over the investigation noticed Respondent's slurred speech and bloodshot watery eyes, and smelled a strong odor of alcohol over the gum that Respondent was chewing. Due to Respondent's driving behavior and her admission to drinking alcohol from 5:30 p.m. to 8:50 p.m., the Officer administered a series of field sobriety tests (FSTs), which she performed below standard. At the OPD, Respondent submitted to a blood test, which registered .25 percent BAC.

## SECOND CAUSE FOR DISCIPLINE

**(Unprofessional Conduct - Use of Alcohol in a Dangerous Manner)**

17. Respondent has subjected her registered nurse license to disciplinary action under Code section 2762, subdivision (b), in that on or about July 20, 2011, as described in paragraph 15, above, Respondent used alcoholic beverages to an extent or in a manner that was potentially dangerous and injurious to herself, her children, and to others when she operated a motor vehicle while impaired with a significantly high BAC.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Conviction of an Alcohol Related Criminal Offense)**

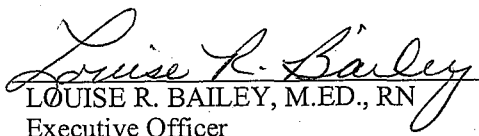
3 18. Respondent has subjected her registered nurse license to disciplinary action under  
4 Code section 2762, subdivision (c), in that on or about September 9, 2011, as described in  
5 paragraph 15, above, Respondent was convicted of a criminal offense involving the consumption  
6 of alcohol.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
9 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nurse License Number 646683, issued to  
11 Shana Lynn Mezzanatto aka Shana Lynn Laurie;
- 12 2. Revoking or suspending Public Health Nurse Certificate Number 68451, issued to  
13 Shana Lynn Mezzanatto aka Shana Lynn Laurie;
- 14 3. Ordering Shana Lynn Mezzanatto to pay the Board of Registered Nursing the  
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
16 Professions Code section 125.3;
- 17 4. Taking such other and further action as deemed necessary and proper.
- 18
- 19
- 20

21 DATED: August 7, 2012

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
State of California  
State of California  
Complainant

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